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ABSTRACT

A survey of the presidents of the academic senates and local units of the California Teachers Association (CTA) was conducted at 15 randomly selected California community colleges to determine their respective roles in meeting faculty needs at the college level. An additional purpose was to investigate the working relationships between the academic senates and the CTA locals. Survey findings, based on responses from five colleges, indicated that the CTA's role was confined to the negotiation of terms and conditions of employment, while the academic senates retained influence over scholastic affairs. All respondents reported a cooperative working relationship between the two groups and stressed the importance of dual membership in the two faculty organizations, as well as the necessity of the delineation of responsibilities in written constitutions to the maintenance of this relationship. The survey report presents a review of the literature concerning the scope and content of faculty negotiations as well as relevant collective bargaining legislation. Recommendations for the long-range maintenance of positive relationships between academic senates and faculty bargaining agents are also presented. (JP)

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A STUDY OF THE ROLE AND RESPONSIBILITIES OF THE ACADEMIC SENATE AND THE CALIFORNIA TEACHERS ASSOCIATION BARGAINING UNIT IN EDUCATIONAL MATTERS

by

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ABSTRACT

"Government is a contrivance of human wisdom to provide for human wants." Edmund Burke. Reflections on the Revolution in France.

This study was designed to determine the roles and responsibilities of academic senates and the California Teacher's Association bargaining agent in academic affairs involving faculty members. This researcher speculated that there would be similar influence exerted by both faculty representatives in governing academic affairs.

Fifteen California Community College districts with an academic senate and a California Teacher's Association contract were randomly selected. The target population for this study was the presidents of the academic senates and the California Teacher's Association in the randomly selected community colleges. The target population was asked to complete a questionnaire containing four questions regarding the coexistence of both faculty representatives on their campus. Of the college districts selected, five completed the questionnaire.

The findings indicated there is a cooperative working relationship existing between both faculty organizations in meeting faculty members needs regarding educational matters.

It was concluded that a cooperative working relationship between the two faculty organizations could be attributed to feelings of mutual respect, open lines of communication and provisions for discussing

and managing important academic affairs in both organization's constitution.

Recommendations were made regarding the establishment and maintenance of a positive cooperative environment between the academic senate and a district's collective bargaining agent.

CHAPTER I

INTRODUCTION

Collective bargaining is the process of negotiating terms and conditions of employment in good faith between employee organizations and employers. It is a bilateral undertaking designed to resolve differences between employees and employers. Collective bargaining in the academic setting is the faculty's way of saying, "we have joint concerns with our administration and our employer, and we want our opinions heard and our recommendations to be carefully considered before unilateral decisions are made by the governing board." The end result of collective bargaining negotiations is the writing of a collective bargaining agreement, a contract.

The Academic Senate is an institutional organization whose primary function is that of being a representative of the faculty to make recommendations pertaining to professional and academic matters to management and the governing board of a school district.

With the advent of collective bargaining on the campus, faculty members, the Academic Senate, administrators and the governing board of a school district have had to adjust to an everchanging situation. Community colleges throughout the state have been or will be faced with a major problem of having two different organized bodies representing faculty members. These two bodies are or will be the Academic Senate and the California Teacher's Association Collective Bargaining Agent. It is imperative that a positive and cooperative attitude be fostered between the two organizations. In order to foster this attitude, all concerned must understand the role and responsibilities of both organizations.

STATEMENT OF PROBLEM

One may see resistance when collective bargaining activities emerge on a community college campus. This resistance is especially seen if the individuals involved, faculty, the Academic Senate, management, the collective bargaining unit and the governing board do not understand each faculty organization role and responsibilities in meeting important needs of the faculty. The purposes of this paper, therefore, are as follows:

1. To identify the role and responsibilities of the Academic Senate in meeting important needs of the faculty in selected community colleges.
2. To identify the role and responsibilities of the California Teachers Association Bargaining Agent in meeting important needs of the faculty in selected community colleges.
3. To determine the relationship between the Academic Senate and the California Teachers Association Bargaining Agent in meeting these needs of the faculty in selected community colleges.
4. To make recommendations for desirable practices between the academic senate and the California Teachers Association Bargaining Agent on the basis of the findings of one (1) and two (2) above.

METHOD OF STUDY

This descriptive study was designed to determine the Academic Senate's and the California Teacher's Association Collective Bargaining Agent's role and responsibilities in interpreting and voicing faculty members opinion in educational matters. In this study, the descriptive design was appropriate because the purpose was to elicit information to answer the following questions:

1. What is the role and responsibilities of the Academic Senate

on a community college campus in academic affairs?

2. What is the role and responsibilities of the California Teacher's Association Bargaining Agent in Academic Affairs?
3. Is there a cooperative working relationship existing between the Academic Senate and the California Teacher's Association Collective Bargaining Agent?

The researcher randomly selected fifteen (15) California Community College districts with an Academic Senate and a contract with the California Teacher's Association; representing twenty percent (20%) of the total districts and forty percent (40%) of districts with a California Teacher's Association contract.

Each campus president of the Academic Senate and the California Teacher's Association was contacted by a personal visit, telephone or male and asked the following four questions:

1. What is the role and responsibilities of the Academic Senate on your campus in academic affairs?
2. What is the role and responsibilities of the CTA Bargaining Agent in Academic Affairs?
3. Is there a cooperative working relationship existing between the Academic Senate and the CTA Bargaining Agent?
4. State factors which you feel contribute to this positive relationship between the Academic Senate and the CTA Bargaining Agent.

SCOPE AND LIMITATIONS OF THE STUDY

This study was limited in that it encompassed surveying the presidents of campus Academic Senates and the California Teacher's Association. No surveying of the campus faculty members was conducted.

CHAPTER II

REVIEW OF LITERATURE

STATE LEGISLATION

State legislation supporting the right of teachers to negotiate falls into two categories: 1) meet and confer and, 2) collective bargaining. Meet and confer laws recognize the employee's right to organize and require employers to deal with employee organizations on a variety of matters, but limit this requirement to meeting and conferring. Meet and confer laws recognize the employee's right to organize and require employers to deal with employee organizations on a variety of matters, but limit this requirement to meeting and conferring. Meet and confer laws offer no administrative machinery for deciding representation, no exclusive bargaining rights, and no requirement that employees and employers bargain collectively or sign written agreements or contracts. No impasse procedure is provided if an agreement is not reached. An example of the meet and confer law is the Winton Act, passed in 1965 by the California State Legislature. (1)

Collective bargaining laws include most of the forementioned features plus a mandate to bargain collectively in good faith. Senate Bill 160, the Rodda Act, established the right of teachers to negotiate in good faith in formulating a collective bargaining contract in the state of California; repeals the Winton Act. (2)

The basic purpose of Senate Bill 160, the Rodda Act, is to improve employer-employee relations and personnel management within the academic setting. This is to be implemented by providing a uniform basis for recognizing the employees' right to join organizations which will represent their members exclusively before the governing board. The act also grants teachers in the public sector a voice in formulating educational policies. A summary of the provisions of the act is listed:

1. Covers all school employees, K-14 except management and confidential employees.
2. Establishes a state agency, the Educational Employment Relations Board (later changed to the Public Employment Relations Board PERB) to enforce the law.
3. Provides for exclusive representation which requires a 50% plus 1 vote of faculty to be represented.
4. Specifies that all supervisory employees of the school employer must be in a separate unit. Supervisor employee means any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote or discipline other employees.
5. Prevents certificated and classified employees from being in the same bargaining unit.
6. Assures that any unit which includes all classroom teachers must at least include all classroom teachers.
7. Mandates negotiation in a good faith effort to reach an agreement. All such agreements shall be incorporated into a contract which is legally binding when ratified by both parties, employer and employee.
8. Establishes scope of bargaining: wages, hours, health and welfare benefits, leave and transfer policies, class size, evaluation procedures, organization security and grievance arbitration. Additionally, the representative has the right to meet and confer on the definition of educational objectives, the determination of course content and curriculum, and the selection of texts.
9. Provides for release time for negotiation and grievance processing.
10. Provides for dues deduction for only the exclusive representative.
11. Provides for community college academic senate to represent faculty in making recommendations to the administration and

governing board on academic and professional matters.

12. Grants organizations the right to use institutional facilities for meetings.
13. Stipulates that negotiations are required to start sufficiently in advance of budget adoption date to allow for adequate time for reaching of agreement, or for the resolution of an impasse.
14. Establishes the organization recognized as the exclusive bargaining agent as a representative of each and every person in the bargaining unit.
15. Requires the exclusive representative to make available to its members and to the Educational Employment Relations Board (now called PERB) an audited balance sheet and operating statement. (3)

SCOPE OF NEGOTIATIONS

Collective bargaining can be viewed as an adversary relationship between workers and their employers. It is a process of negotiating terms and conditions of employment in good faith between employers and employees. The basic purpose of collective bargaining is the obtaining of a binding written agreement between management and labor regarding working conditions and other disputed issues. The subjects of academic negotiations usually include the following major areas:

Permissible subjects. Items for bargaining which generally refer to management rights. It means that a permissible subject of bargaining is one that both parties can refuse to bargain with. Examples are:

Mission and purpose of the institution
Hiring and discharging employees
Assignment and transfer of employees
Supervision and direction of employee's work performance
Employment of substitutes
Size of work force, number of employees
Retrenchment of funds, programs, and number of employees

Distribution of resources
Emergency executive powers in all matters
Selection and composition of programs
Evaluation of programs
Changes in programs
Evaluation of employee performance
Establishment of performance standards
Promotion of employees
Wages, hours, and work conditions for employees not in the bargaining unit
Non-job related prerequisites for employees
Discipline of employees
Employer's business procedures

Some states reserve to the public sector such rights as: class size, college calendar, teacher evaluation procedures, academic freedom, preparation time for teachers, selection of texts and granting of tenure procedures.

Mandatory subjects. Subjects for bargaining which both parties must negotiate and agree upon. Examples are:

Grievance procedures, including arbitration
Work hours and work loads
Hours and work schedules
Pensions, unless established by law
Insurance benefits
Sick leave and other types of leaves of absence
Holidays and vacations
Parking space and other perquisites related to employment
Procedures for evaluation, retention, promotion of unit employees
Procedures for discipline and discharge
Union security, except where specifically prohibited by law

Wages and salaries, merit increases
Savings clause
Management rights clause
Impact of management decisions on work conditions

Prohibited subjects. Items which are completely prohibited from negotiations. Federal and state laws are paramount in stipulating prohibited subjects. Examples of prohibited subjects, depending upon state regulations are:

Closed shops. Which states that employees must belong to the union before they can be hired.
Agency shops. A contract provision that requires all members of the bargaining unit to pay fees to the union.
Bargaining of pension and retirement benefits as they are already stipulated by law. (4)

California under the Rodda Act has no permissive items. Wages, hours of employment, and conditions of employment are considered mandatory issues, all matters not specifically addressed are prohibited. The scope of negotiation must include matters specifically relating to employment condition and employee-employer relations; and it is limited to matters relating to wages, hours of employment, and other terms and conditions of employment. (5)

ACADEMIC SENATE

Faculty governance in colleges has been a concern for many through the years of educational growth in the United States. Thomas Jefferson was a champion of faculty governance and a firm believer in faculty supervising its own affairs. (6)

Academic senates in the California community colleges were authorized in the 1963 regular session of the California Legislature by Assembly Concurrent Resolution No. 48 and incorporated into Title V of the Administrative Code. (7) The code clarifies an academic senate's role

in actively participating in the formation of policies on academic and professional matters. It defines an academic senate as:

> "an organization...whose primary function is, as the representative of the faculty, to make recommendations to the administration and governing board of a school district with respect to academic and professional matters." (8)

Academic and professional matters ascribe to methods and important issues of a college instructional program. (9)

According to Kemerer faculty senates are the heart of collegial processes in colleges. (10) Senates function to some extent as decision making organizations, however, its main function is as an advisory agent. Academic senates are not involved in decision making regarding economic issues and working conditions.

Case in his doctoral dissertation on academic senates in California concluded that one of the responsibilities of the academic senate is "...to foster a sense of responsibility among faculty members for maintaining a superior level of instruction and professional activity." (11)

Zoglin commented on the faculty participation in decision making and asserted, "that college faculties with college senates feel they had little effective participation." (12)

ACADEMIC SENATES AND UNIONS

Studies and written articles concerning the coexistence of academic senates and unions communicate some concerns relative to competition between these two faculty representatives.

A study conducted by the Stanford Project on Academic Governance in institutions where academic senates and unions coexist revealed that: 1) senates in two year and four year institutions retain their influence over economic issues, 2) unions exert greater influence over economic issues such as faculty salaries and working conditions, 3) unions and

senates influence personnel issues such as hiring, promotion, and tenure of faculty members, 4) senates influence department budgets, and 5) senates exert some influence over long range planning while unions have little influence. (13)

The Stanford Project on Academic Governance concluded that "...even without competition, neither unions nor senates appear to usurp each other's normal role." (14) The Stanford Project on Academic Governance wrote of an evident trend that as unions mature, they may challenge issues which in previous years were controlled by academic senates. (14)

Hankin determined that many bargaining agents are including items which were previously non-negotiable items under the phrase of "condition of employment." (15) His study revealed that academic freedom, an academic policy, is not included in a large number of bargaining contracts. (16) Hankin concluded:

> "...that while there have been stated differences among the national associations on matters of tenure and promotion, salaries, work load, and strategies, the distinctions are becoming blurred." (17)

Zoglin wrote that many faculty members and administrators feel collective bargaining will exert a negative impact on academic affairs. (18)

Burton and Youn expressed their idea on unionization as another experiment in combining collegial and bureaucratic rule. (19)

CHAPTER III

FINDINGS

The findings of this investigation indicated that the academic senates in all five (5) community colleges participating in the study retain influence over academic affairs. College A reported that the academic senate is the vehicle for all non-contract related faculty concerns. Colleges B, C, and D revealed that the academic senate handles issues and policies dealing with instruction and academic affairs. College E stated that the academic senate initiates studies relating to policies and procedures involving academic matters. College C felt that occasionally, the governing board did not listen to the senates recommendations.

The findings also indicated that the California Teacher's Association bargaining agent's role and responsibilities are strictly related to terms and conditions of employment, involving such issues as hours, wages, and working conditions. One hundred percent of the five participating community colleges indicated that only negotiated items are dealt with by the bargaining agent, all other issues are referred to the academic senate.

All five participating community colleges reported a cooperative working relationship between the Academic Senate and the California Teacher's Association bargaining agent. One hundred percent of participants reported that a cooperative working relationship could be attributed to dual membership in the faculty organizations and a constitution written to preclude difficulties.

All participants expressed the importance of maintaining communication and mutual respect between the two faculty representatives. College C, a multicampus district reported that a California Teacher's Association and an Academic Senate Liason Committee, composed of members from all campuses maintain communication between the two faculty organizations. College E disclosed that the president of the Academic Senate is a member of the California Teacher's Association executive

committee and the district president of the California Teacher's Association is a member of the Academic Senate.

There were no perceptive differences between the opinions of the Academic Senate presidents and the California Teacher's Association district presidents in the role of each organization relative to governing academic affairs.

CHAPTER IV

CONCLUSION AND RECOMMENDATIONS

The process of negotiating terms and conditions of employment in good faith between employee organizations and employers is relatively new in California's community colleges. In selected community colleges, the advent of collective bargaining and the coexistence with academic senates appears to have been a peaceful one.

It is a conclusion of this researcher that the California Teacher's Association bargaining agent and the academic senate in selected community colleges have a cooperative alliance and a definite demarcation of each's role and responsibilities in governing a campus academic affairs.

Academic senates continue to exercise influence over academic matters and make recommendations relative to academic affairs to the governing board. The California Teacher's Association bargaining agent exert influence over hours, salaries, and working conditions. There is a sharing of power between these two faculty organizations, however, there are many questions to be answered regarding the long-range coexistence and a continued demarcation of responsibilities in influencing issues concerned with academic matters.

In developing an effective working relationship with the academic senate, the collective bargaining unit must establish and maintain an air of cooperation. The role is a critical one in developing a positive relationship. There must also be the maintenance of respect and open-communication regarding academic issues. Participation of both faculty organizations in meeting important needs of faculty members should be so organized that the possibility of making decisions based on poor judgment, lack of relevant information and values, or poor planning is held to a minimum. Both organizations must assume responsibilities within the limits of the power granted.

As a result of the findings of this study, this researcher makes the following recommendations which can possibly be ways of establishing

and maintaining a positive relationship between the academic senate and a collective bargaining agent:

1. Design ways for faculty members to maintain dual membership in both organizations.
2. If possible, make provisions to share office space.
3. Write clear constitutions which specifically demarcate the roles and responsibilities of both organizations. If necessary, revise existing constitution to meet this recommendation.
4. Create a liason committee composed of representatives from both organizations to advise each of all issues involving faculty members.
5. Express strong feeling of purpose for good of education.
6. Make provisions for any elected academic senate president to serve on the bargaining agent's executive committee with full voting rights.
7. Make provisions for any elected bargaining unit president to serve on the academic senate's executive committee with full voting rights.

Footnotes

(1) California State Legislature. Winton Act, 1963.

(2) California State Legislature. Senate Bill 160. Rodda, 1975, p. 32.

(3) Ibid. pp. 33-53.

(4) George W. Angell, Edward P. Kelley, and Associates. Handbook of Faculty Bargaining, pp. 134-139.

(5) Myron Lieberman and Michael Moskow. Collective Negotiations for Teachers, p. 48.

(6) Jennings L. Wagoner. Thomas Jefferson and the Education of a New Nation, p. 37.

(7) William P. Smith. "Rights and Responsibility of California Community College Academic Senates: A Historical and Legal Analysis." Sacramento: ERIC Clearinghouse for Junior College Information, p. 1.

(8) Chester Harold Case. A Study of Academic Senates in California Public Junior Colleges. Unpublished Doctoral Dissertation. University of California, Berkeley, p. 80.

(9) William P. Smith. op. cit, p. 11.

(10) Frank R. Kemerer and J. Victor Baldridge. Unions on Campus, p. 138.

(11) Chester Harold Case. op. cit., p. 81.

(12) Mary Lou Zoglin. Power and Politics in the Community College, p. 147.

(13) Frank R. Kemerer and J. Victor Baldridge. op. cit., pp. 152-167.

(14) Ibid. p. 139.

(15) Joseph N. Hankin, "What's Past is Prologue." in Adjusting to Collective Bargaining. Richard J. Ernest, ed., pp. 20-21.

(16) Ibid.

(17) Ibid. p. 22.

(18) Mary Lou Zoglin. op. cit., p. 148.

(19) Clark Burton and Ted I.K. Youn. "Academic Power in the United States". ERIC Higher Education Research Report No. 3, pp. 13-14.

BIBLIOGRAPHY

Angell, George W., Kelley, Edward P., and Associates. Handbook of Faculty Bargaining. San Francisco, California: Jossey-Bass, Inc., 1977.

Burton, Clark and Youn, Ted I.K. "Academic Power in the United States." ERIC Higher Education Research Report No. 3. Washington, D.C.: The American Association for Higher Education, 1976.

California State Legislature. Winton Act. Sacramento, California, 1963.

California State Legislature. Senate Bill 160, Rodda. Sacramento, California, 1975.

Carr, Robert K. and Van Eyck, Daniel K. Collective Bargaining Comes to the Campus. Washington, D.C.: American Council on Education, 1973.

Case, Chester Harold. "A Study of Academic Senates in California Public Junior Colleges." Unpublished Doctoral Dissertation, University of California, Berkeley, 1968.

Garbarino, Joseph W., Feller, David E., and Finkin, Matthew. Faculty Bargaining in Public Higher Education. San Francisco, California: Jossey-Bass, Inc., 1977.

Guthrie, James W. and Craig, Patricia. Teachers and Politics. Bloomington, Indiana: Phi Delta Kappa Educational Foundation, 1973.

Hankin, Joseph N. "What's Past is Prologue." in Adjusting to Collective Bargaining. Richard J. Ernse, ed. San Francisco, California: Jossey-Bass, 1975.

Kemerer, Frank R. and Baldridge, J. Victor. Unions and Campus. San Francisco, California: Jossey-Bass, 1975.

Kieft, R.N. Collective Bargaining: It's Impact for Institution Research. Washington, D.C.: ERIC Clearinghouse for Higher Education, 1973.

Lieberman, Myron and Moskow, Michael. Collective Negotiations for Teachers. Chicago, Illinois: Rand McNally and Company, 1966.

Lieberman, Myron. "Neglected Issues in Federal Public Employee Bargaining Legislation." Phi Delta Kappa. (October 1975).

Lombardi, John. "Implications for Community College Governance under Collective Bargaining." California University, Los Angeles. ERIC Clearinghouse for Junior Colleges, February 1974.

Lombardi, John. "Changing Administrative Relations under Collective Bargaining." California University, Los Angeles. ERIC Clearinghouse for Junior Colleges, June 1979.

Perry, Charles R. and Wildman, Wesley A. The Impact of Negotiations in Public Education: The Evidence from the Schools. Worthington, Ohio: C.A. Jones Publishing Company, 1970.

Smith, William P. "Rights and Responsibilities of California Community College Academic Senates: A Historical and Legal Analysis." Sacramento: ERIC Clearinghouse for Junior Colleges, October 1971.

Towers, B., Whittinghan, T.G. and Gottschalk, A.W., editors. Bargaining for Change. London: George Allen L.T.D., 1972.

Tyler, Henry. "Full Partners in California's Higher Education. Junior College Journal XXXV, no. 6, March 1965.

Wagoner, Jennings L. Thomas Jefferson and the Education of a New Nation. Bloomington, Indiana: Phi Delta Kappa Educational Foundation, 1976.

Zoglin, Mary Lou. Power and Politics in the Community College. Palm Springs, California: ETC Publications, 1976.

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